

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims

1-30. (Canceled).

31. (Currently Amended) A base station apparatus, comprising:

a deciding section that, ~~when data is transmitted to a terminal, decides whether to transmit the data using a frequency assigned to the terminal in advance, or assign a new frequency first subcarrier block newly allocated to a terminal or transmit data using a second subcarrier block persistently allocated to the terminal, the first subcarrier block and second subcarrier block each comprising part of a whole communication band;~~

a frequency scheduling section that, ~~when in case that~~ the deciding section decides to assign the new frequency, ~~assigns the new frequency~~ ~~transmit the data using the first subcarrier block, allocates the first subcarrier block to the terminal; and~~

a transmission section that, ~~when in case that~~ the deciding section decides to assign the new frequency ~~transmit the data using the first subcarrier block~~, transmits information representing the new frequency ~~assigned first subcarrier block allocated by the frequency scheduling section and transmits the data to the terminal using the new frequency assigned first subcarrier block allocated by the frequency scheduling section, and that, when in case that the deciding section decides not to assign the new frequency to transmit the data using the second~~

subcarrier block, transmits the data to the terminal using the frequency assigned second subcarrier block persistently allocated to the terminal in advance,

32. (Currently Amended) A terminal, comprising:

a determining section that determines whether the terminal is assigned a new frequency newly allocated a first subcarrier block by a base station apparatus using control information that is received, the first subcarrier block comprising part of a whole communication band; and

a receiving section that receives the control information, receives data using a frequency represented the first subcarrier block designated by information that is included in the control information and related to the new frequency assigned when in case that a determination result is positive, and receives the data using a second subcarrier block frequency that is persistent allocated assigned to the terminal in advance when in case that the determination result is negative, the second subcarrier block comprising part of the whole communication band.

33. (Currently Amended) A transmission method, comprising:

when data is transmitted to a terminal, a decision step of deciding whether to transmit the data using a frequency assigned to the terminal in advance, first subcarrier block newly allocated to a terminal or transmit data using a second subcarrier block persistently allocated to the terminal, the first subcarrier block and second subcarrier block each comprising part of a whole communication band or assign a new frequency;

when the new frequency a frequency scheduling step of, when the data is decided to be assigned, assigning the new frequency, transmitting information representing the new frequency.

assigned, and transmitting the data to the terminal using the new frequency assigned transmitted using the first subcarrier block in the decision step, allocating the first subcarrier block to the terminal; and

when the new frequency, a transmission step of, when the data is decided to be assigned, transmitted using the first subcarrier block in the decision step, transmitting information representing the first subcarrier block allocated in the frequency scheduling step and transmitting the data to the terminal using a frequency assigned to the terminal in advance the first subcarrier block allocated in the frequency scheduling step, and, when the data is decided to be transmitted using the second subcarrier block in the decision step, transmitting the data to the terminal using the second subcarrier block persistently allocated to the terminal.

34. (Currently Amended) A receiving method, comprising:

receiving control information;

determining whether a terminal is assigned a new frequency newly allocated a first subcarrier block by a base station apparatus using the control information that is received, the first subcarrier block comprising part of a whole communication band; and

receiving the control information, receiving data using the first subcarrier block designated by information that is included in the control information when in case that a determination result is positive, and receiving the data using a second subcarrier block that is persistently allocated to the terminal frequency represented by information that is included in the control information and related to the new frequency assigned; and when in case that the determination result is negative, the second subcarrier block comprising part of the whole

communication band receiving the data using a frequency that is assigned to the terminal in advance.